

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

IN RE: BAIR HUGGER FORCED AIR  
WARMING DEVICES PRODUCTS  
LIABILITY LITIGATION

MDL No. 15-md-2666(JNE/DTS)

This document relates to:

SHELBY CONNELL,

Civil Action No. 16-cv-02351

Plaintiff,

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**DECLARATION OF DONALD C. GREEN II IN SUPPORT OF  
PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO DISMISS**

I, Donald C. Green II, declare as follows:

1. I am an attorney at Kennedy Hodges, LLP and Counsel for Plaintiff Shelby Connell in the above-captioned matter.
2. I submit this declaration in support of Plaintiff's Objection to Order Dated November 27, 2018 Regarding Motion to Substitute Party and First Amended Motion to Substitute Party.
3. Based on information and belief, Mr. Dax Eaton first contacted Kennedy Hodges in April of 2018, at which point he notified counsel that his mother, Ms. Shelby Connell, had recently passed away.
4. Upon contacting Kennedy Hodges, Mr. Eaton provided the address for his place of business, Polk Mechanical Company, LLC, as his mailing address, his work phone number as his contact number, and his work email address, dax.eaton@polkmechanical.com, as his email address.

5. After establishing contact initially, counsel made numerous efforts to contact Mr. Eaton via the contact information provided.
6. On July 5, 2018, an email sent to Mr. Eaton's work email was marked as undeliverable because the email address did not exist.
7. On August 30, 2018, an individual from Polk Mechanical named Kasey called into Kennedy Hodges and left a message advising that Mr. Eaton had left the company several months prior. Staff at Kennedy Hodges was able to obtain a home mailing address for Mr. Eaton at this time, and a contact letter was sent immediately.
8. On September 6, 2018, Mr. Eaton contacted Kennedy Hodges regarding the letter and stated that he would investigate the probate matter.
9. Based on information and belief, Mr. Eaton was not inherently familiar with the probate action taken on behalf of his mother.
10. After investigating the matter, Mr. Eaton was able to relate to counsel that Attorney Alfred J. Danner of Geneva, Alabama had been appointed as administrator of the estate pursuant to Alabama state law in January 2018.
11. The Letters of Administration were received by staff at Kennedy Hodges on October 3, 2018, which named Mr. Alfred J. Danner as administrator of the estate effective January 25, 2018. This matter was assigned case number 7721 in the Probate Court of Geneva County, Alabama.
12. The First Amended Motion for Substitution of Party regarding this correction and naming Attorney Danner as Administrator of the Estate was filed soon after.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing  
is true and correct.

December 13, 2018

/s/Donald C. Green II  
Donald C. Green II